

1970

c 108 Dentistry Act

Ontario

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CHAPTER 108

The Dentistry Act

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the College;
- (b) "College" means The Royal College of Dental Surgeons of Ontario;
- (c) "dentistry" or "dental surgery" means any professional service usually performed by a dentist or dental surgeon, and includes,
 - (i) the diagnosis or treatment of, and the prescribing, treating or operating for the prevention, alleviation or correction of any disease, pain, deficiency, deformity, defect, lesion, disorder or physical condition of, in or from any human tooth, jaw or associated structure or tissue or any injury thereto,
 - (ii) the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing or prescribing or advising the use of any prosthetic denture, bridge, appliance or thing for any of the purposes indicated in subclause i, or to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the human oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, and
 - (iii) the taking or making, or the giving of advice or assistance or the providing of facilities for the taking or making of any impression, bite, cast or design preparatory to, or for the purpose of, or with a view to the making, producing, reproducing, constructing, fitting, furnishing, supplying, altering or repairing of any such prosthetic denture, bridge, appliance or thing;
- (d) "infamous, disgraceful or improper conduct in a professional respect" includes professional incompetence, gross carelessness in diagnosis or treatment, and fraudulent or exorbitant charging of fees;
- (e) "practice" means the practice of dentistry or dental surgery;

(f) "profession" means the profession of dentistry or dental surgery. R.S.O. 1960, c. 91, s. 1; 1966, c. 38, s. 1.

College
continued

2. The Royal College of Dental Surgeons of Ontario is continued, and every person who holds a valid and unforfeited certificate of licence to practise dentistry granted to him by the College is a member of the corporation. R.S.O. 1960, c. 91, s. 2.

Power as to
real estate

3.—(1) The College may purchase, take and possess for the purposes of the College, but for no other purpose, and, after acquiring it, may sell, mortgage, lease or dispose of any real estate. R.S.O. 1960, c. 91, s. 3 (1).

Consent to
alienation,
etc.,
required

(2) Such real estate shall not be sold, mortgaged, leased or disposed of, except with the consent of the Board given at a meeting duly called for that purpose. R.S.O. 1960, c. 91, s. 3 (2); 1966, c. 38, s. 2.

Notice of
meeting

(3) Notice of such meeting shall be given to every member of the Board by letter mailed to his last registered address seven days before the day appointed for the meeting, stating the object thereof. R.S.O. 1960, c. 91, s. 3 (3).

Board of
Directors

4.—(1) There shall continue to be a Board of Directors. R.S.O. 1960, c. 91, s. 4 (1).

Membership
of Board

(2) The Board shall consist of elected members, each of whom shall be a member of the College and shall hold office for two years, and the Minister of Education and the Minister of Health who are *ex officio* members of the Board. R.S.O. 1960, c. 91, s. 4 (2); 1966, c. 38, s. 3 (1).

Quorum

(3) The presence of a majority of the elected members of the Board is necessary to constitute a quorum. R.S.O. 1960, c. 91, s. 4 (3); 1966, c. 38, s. 3 (2).

One
member
for each
electoral
district,
exception

(4) One member shall be elected for each electoral district mentioned in the Schedule by the members of the College practising in the district, except that in Electoral District No. 4 two members shall be elected, and every person so elected must be practising in the electoral district for which he is elected and no person is eligible for election as a representative of an electoral district who is a member of a dental faculty and in receipt of salary or other remuneration for his services thereon. R.S.O. 1960, c. 91, s. 4 (4); 1966, c. 38, s. 3 (3), *amended*.

One
member
from
university,
college or
other body
in Ontario

(5) One member shall be elected by and from the faculty of each university, college or other body in Ontario that is authorized to conduct a course or courses in dentistry and to grant degrees in dentistry and is actively conducting such course or courses in the year in which such election is held. 1966, c. 38, s. 3 (4).

(6) A member of the Board may at any time resign his office by giving notice of his resignation in writing to the secretary, and in case of a vacancy occurring through resignation or otherwise,

Resignations
and
vacancies

- (a) where the vacancy occurs in the representation of an electoral district more than two months before the holding of a general election, an election shall be held for the electoral district to fill the vacancy, and, where the vacancy occurs not more than two months before the date of the general election, no person shall be elected or appointed to fill the vacancy;
- (b) where the vacancy occurs in the representation of a faculty of dentistry, the remaining members of such faculty shall elect a duly qualified person to fill the vacancy; and
- (c) where a candidate dies after the nominations for election to the Board and before the closing of the polls, the Board shall fix other days for the nomination and for the election. R.S.O. 1960, c. 91, s. 4 (6); 1966, c. 38, s. 3 (5).

5. Ontario shall, for the purposes of this Act, be divided into eight electoral districts as described in the Schedule. R.S.O. 1960, c. 91, s. 5.

Electoral
districts

6.—(1) An election of the Board shall be held on the second Wednesday of December in every second year, reckoning from the year 1926.

Election of
Board

(2) No person is qualified to vote at an election if he is in arrear in respect of any fees payable by him.

Qualification
of voters

(3) The votes at an election shall be given by closed voting papers.

How votes
to be given

(4) The manner of holding an election with respect to notification of the electors of the time and place of holding the election, the nomination of candidates, the presiding officer thereat, the taking and counting of the votes, the giving of a casting vote in case of an equality of votes, and other necessary details shall be determined by by-law of the Board, and in default of a by-law may be prescribed by the Lieutenant Governor in Council. R.S.O. 1960, c. 91, s. 6.

Manner of
election

7.—(1) Every newly elected Board shall hold its first meeting in the city of Toronto on the first Monday in May or at such other time as is fixed by the retiring Board, and the members of the Board shall hold office until the first meeting of their successors.

First
meeting
of Board

(2) Other meetings shall be held at such times and places as the Board appoints.

Subsequent
meetings

Special
meetings

(3) Special meetings may be called by the president at any time, and on the request in writing of four members of the Board he shall call a special meeting. R.S.O. 1960, c. 91, s. 7.

President
and
officers

8.—(1) Every Board shall at its first meeting elect a president and a vice-president and shall appoint a registrar, a treasurer and a secretary and such other officers as the Board considers necessary, and any two or more of such appointive offices may be held by one person.

Remunera-
tion of
treasurer
and secretary

(2) The treasurer and the secretary shall receive such remuneration for their services as the Board fixes.

President,
etc., *pro*
tempore

(3) The Board shall, if the president and vice-president are absent, elect one of its members to preside at its meeting, who, while so presiding, has the same powers and shall exercise the same functions as the president.

Executive
committee

(4) The Board shall annually appoint from among its members not more than five persons who shall constitute an executive committee to take cognizance of and action upon all such matters as are delegated to it or as require immediate action or attention between meetings of the Board, but no action taken by the executive committee is valid unless agreed to by at least three members of the committee nor after the next ensuing meeting of the Board unless approved by the Board at that meeting, and the executive committee does not have power to alter, amend or suspend any by-law of the Board. R.S.O. 1960, c. 91, s. 8.

Remunera-
tion of
members
of Board

9. The members of the Board shall be paid such fees for attendances and such reasonable travelling expenses as are fixed by by-law of the Board. R.S.O. 1960, c. 91, s. 9.

Funds pay-
able to the
treasurer

10.—(1) All moneys under the control of the Board shall be paid to the treasurer and shall be applied for the purposes of the College. R.S.O. 1960, c. 91, s. 10 (1).

Grants for
certain
purposes

(2) The Board may out of any funds in its hands from time to time make grants,

- (a) for post-graduate courses and kindred educational extension work;
- (b) for scholarship, lectureship and research work;
- (c) in aid of any fund that has for its purpose investigation in the interest of dental, medical and surgical science;
- (d) in aid of any association or other body having for its object the protection of members of the College or the adjustment of claims against them for anything done in their professional capacity; or

- (e) in aid of any association whose objects include improvement of dental health or the making available of better dental services or other benefits to the public or to the dental profession. R.S.O. 1960, c. 91, s. 10 (2); 1966, c. 38, s. 4.

11.—(1) The Board shall make such by-laws as it considers necessary for the proper and better guidance, government, discipline and regulation of the Board, the College, the members of the College and the profession of dental surgery and the carrying out of this Act, and such by-laws shall be published for two consecutive weeks in *The Ontario Gazette*, and do not take effect until so published. Power to make by-laws

(2) Such by-laws or any of them may be annulled by the Lieutenant Governor in Council. R.S.O. 1960, c. 91, s. 11. Annulment

12. The Board has power, subject to the approval of the Lieutenant Governor in Council, to pass by-laws, Dental hygienists

- (a) providing for the establishment, development, regulation and control of an ancillary body known as dental hygienists;
- (b) providing for the delegation to dental hygienists of the performance, under the direct control and supervision of a member of the College, of the services of cleaning and polishing teeth and the giving of instructions and demonstrations in oral hygiene and mouth care;
- (c) prescribing other specific dental duties of a minor nature that may be similarly delegated for performance by dental hygienists;
- (d) regulating the conditions and prescribing the qualifications for admission to such body;
- (e) prescribing the admission and annual fees payable by members of such body;
- (f) generally for the defining, regulating and controlling of the practice of dental hygiene. R.S.O. 1960, c. 91, s. 12.

13.—(1) The Board may appoint one or more examiners for the matriculation or preliminary examination of all students entering the profession, or may accept in lieu of such matriculation or preliminary examination evidence that a student has passed any other satisfactory examination. Examination of students

(2) Such examination shall be passed before the person concerned is entered as a student of dentistry. R.S.O. 1960, c. 91, s. 13. Idem

Curriculum
for students
etc.

14.—(1) The Board may prescribe a curriculum of studies to be pursued by students, the examination necessary to be passed and the fees to be paid to the treasurer before a certificate of licence to practise dental surgery is issued. R.S.O. 1960, c. 91, s. 14 (1); 1966, c. 38, s. 5.

Admission
of other
persons

(2) The Board may prescribe the conditions upon which dentists residing elsewhere than in Ontario and students and graduates from other dental colleges may be admitted to membership in the College. R.S.O. 1960, c. 91, s. 14 (2).

Approval
for dental
courses

15.—(1) No person shall conduct any course for training or imparting instruction in any branch of dentistry or shall grant degrees in dentistry without the approval of the Lieutenant Governor in Council upon the recommendation of the Minister of Health.

Revocation
of approval

(2) Upon the recommendation of the Minister of Health, the Lieutenant Governor in Council may at any time revoke any approval given under this section. R.S.O. 1960, c. 91, s. 16.

Annual ex-
aminations

16.—(1) The Board, once at least in every year, may cause to be held at a time fixed by the Board an examination of the candidates for certificates and such titles as the Board has authority to grant. R.S.O. 1960, c. 91, s. 17 (1); 1966, c. 38, s. 7 (1).

How and
by whom
conducted

(2) At every such examination the candidates shall be examined orally or in writing or otherwise by examiners to be appointed for that purpose by the Board in such subjects as the Board prescribes.

Fees of
examiners

(3) The examiners shall receive such remuneration as is fixed by the Board.

Declaration
by
examiners

(4) Each examiner shall, if required, subscribe and take the following declaration:

I solemnly declare that I will perform my duty of Examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage that is not equally allowed to all.

R.S.O. 1960, c. 91, s. 17 (2-4).

Accepting
other
examination
as substitute

(5) The Board may dispense with such examination in the case of a person who proves to the satisfaction of the Board that he has passed in any university or college or at a national dental examining board an examination that the Board considers of equal value. R.S.O. 1960, c. 91, s. 17 (5); 1966, c. 38, s. 7 (2).

17.—(1) If the Board is satisfied by the examination that the candidate is duly qualified to practise the profession of dental surgery and that he is a person of integrity and good moral character, it shall, subject to the by-laws, grant him a certificate of licence and the title of "Licentiate of Dental Surgery", which certificate and title entitle him to all the rights and privileges conferred by this Act. Certificate of qualification to practise

(2) The Board shall hold at least one meeting in each year in the city of Toronto for the purpose of granting such certificates and titles and for the transaction of such other business as properly comes before it. Annual meeting R.S.O. 1960, c. 91, s. 18.

18. A certificate of licence shall be sealed with the corporate seal of the College and signed by the President and secretary of the Board, and the production of such certificate of licence is admissible in evidence as *prima facie* proof in all courts and upon all proceedings of its execution and contents. Issue of certificate R.S.O. 1960, c. 91, s. 19.

19. Every person desirous of obtaining a licence to practise dentistry in Ontario shall at least one month before the prescribed examination make application in the form prescribed by the Board and pay to the treasurer the prescribed fees, and deliver to the secretary the treasurer's receipt for the fees, together with satisfactory evidence of compliance with the rules and regulations prescribed by the Board, and of his integrity and good morals. Prepayment of examination fees R.S.O. 1960, c. 91, s. 21; 1966, c. 38, s. 8.

20.—(1) Every member of the College engaged in the practice of dental surgery in Ontario shall, on or before the 1st day of January in each year, pay to the treasurer, or to a person deputed by him to receive it, such annual registration fee as is prescribed by by-law passed by the Board and approved by the Lieutenant Governor in Council, and such fee is recoverable by suit in the name of The Royal College of Dental Surgeons of Ontario in the small claims court of the division in which the member in default resides. Annual fees

(2) A member is not entitled to recover in any court for services rendered in the practice of dental surgery while he is in default in respect of an annual fee. Result of default in payment of annual fee R.S.O. 1960, c. 91, s. 22 (1, 2), *amended*.

(3) Where default is made in payment of the annual fee and such default continues for a period of one month, the licence of a member so in default lapses, but such licence may be renewed thereafter upon payment of the fee and an additional sum not exceeding \$25 as is prescribed by by-law of the Board and such sum is recoverable in the same manner as the annual fee. Default in payment of fee R.S.O. 1960, c. 91, s. 22 (3); 1961-62, c. 29, s. 1; 1966, c. 38, s. 9.

Prohibition
against
practising
without
certificate

21.—(1) A person who is not a member of the College shall not, by himself or by any other person,

- (a) practise or hold himself out as qualified or entitled to practise the profession of dentistry or any branch thereof;
- (b) provide or perform any service, act or operation that is part of the practice of dentistry or any branch thereof, or undertake or purport to provide or perform any such service, act or operation;
- (c) make, produce, reproduce, construct, furnish, supply, alter or repair any prosthetic denture, bridge, appliance or thing to replace, improve or supplement any human tooth, or to prevent, alleviate, correct or improve any condition in the oral cavity, or to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof, or give any advice or assistance in connection therewith, except on the prescription or instructions of a member of the College, and, where the use of a design, impression or cast is necessary, except by the use of a design, impression or cast furnished by a member of the College with such prescription or instructions;
- (d) take or use any name, title, addition or description representing or implying that he holds a certificate of licence to practise dentistry or that he is a member of the College; or
- (e) represent that he is, or take or use any name, title, addition or description representing or implying that he is a graduate of a dental college or that he practises or is entitled or qualified to practise dentistry or any branch thereof, or that contains the words "dentist", "dentistry", "dental", "dental surgeon", or "dental surgery", or any similar word or words or any derivative thereof or any letters, signs or abbreviation having a similar significance.

Furnishing
written
prescription

(2) A member of the College shall furnish to the dental technician or other person instructed by him to undertake or perform any work or service or give any advice or assistance described in clause *c* of subsection 1 a written prescription therefor signed by such member, and where necessary a design, impression or cast, at the time of giving such prescription or instructions.

What not to
be deemed
contraven-
tion of
section

(3) No work, service, advice or assistance described in clause *c* of subsection 1 that is undertaken, performed or given by a person pursuant to a prescription or instructions of a member of the College, and by the use of a design, impression or cast furnished

by a member of the College with such prescription or instructions, where a design, impression or cast is necessary, shall be deemed to be a contravention of this section.

(4) No work, service, advice or assistance that is part of the practice of dental hygiene and that is undertaken, performed or given by a dental hygienist in the office or clinic of a member of the College and under his supervision and control, shall be deemed to be a contravention of this section. Idem

(5) Except with the written permission of the Board, no person in pursuit of his business, trade or calling shall have in any place dental equipment of a character similar to that with which a place of business of a member of the College is equipped, and which equipment would enable the person generally to practise dentistry or any branch thereof, and the presence of such equipment in such place is *prima facie* evidence that the practice of dentistry is being carried on therein. Dental equipment, restriction as to use by unqualified person

(6) No person, other than the College, shall carry on in Ontario any school, college, laboratory or other institution for training or imparting instruction in any branch of dentistry or give instructions or courses in practice management without the consent of the Board, but this does not apply to a faculty of dentistry in a university in Ontario. R.S.O. 1960, c. 91, s. 23 (1-6). Prohibitions as to persons other than College establishing college, etc.

(7) Nothing in this section prevents any student of dental surgery from receiving instruction in public hospitals, clinics and faculties of dentistry or to practise under the personal supervision of a member of the College. R.S.O. 1960, c. 91, s. 23 (7); 1966, c. 38, s. 10 (1). Saving as to students

(8) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable for the first offence to a fine of not less than \$50 and not more than \$200, for the second offence to a fine of not less than \$200 and not more than \$500, and for every subsequent offence to a fine of not less than \$500, and he is not entitled to sue or recover in any court for any services that he performed or materials that he provided in the ordinary and customary work of a dental surgeon. 1966, c. 38, s. 10 (2). Offences

(9) The fines recovered under this section shall be paid over by the convicting provincial judge to the treasurer of the College. R.S.O. 1960, c. 91, s. 23 (9), *amended*. Disposition of fines

(10) Upon information on oath by a duly authorized agent of the College that he has reasonable cause to believe that there is in a building or premises any dental equipment that is being, has been or is likely to be used contrary to this Act, or that any prosthetic denture, bridge, appliance or thing is being, has been or is likely to be made, produced, reproduced, fitted, constructed, Power to enter and search premises

furnished, supplied, altered or repaired, contrary to this Act, it is lawful for any justice of the peace, by warrant under his hand, to authorize and empower such agent or any other person named therein to enter and search the building or premises and every part thereof at any time and for that purpose to break open any door, lock or fastening of the building or premises or any part thereof, or any closet, cupboard, box or any receptacle therein that might contain any such dental equipment, prosthetic denture, bridge, appliance or thing.

Onus of
proof

(11) In a prosecution under this section the burden of proof,

- (a) of membership in the College;
- (b) that a prescription was or instructions were given by a member of the College; and
- (c) that any design, impression or cast used in complying with such prescription or instructions was furnished by a member of the College,

is upon the person charged with a contravention of this section R.S.O. 1960, c. 91, s. 23 (10, 11).

Suspension
and cancel-
lation of
certificates

22.—(1) Where a member of the College has been heretofore or is hereafter convicted in Canada or elsewhere of an indictable offence, which conviction remains unreversed, or has been or is guilty of any infamous, disgraceful or improper conduct in a professional respect, he is subject to the disciplinary action and liable to the penalties provided for in this Act, but no disciplinary action shall be taken or any penalty imposed if the conviction is for a political offence committed out of the Commonwealth or for an offence that, though indictable, ought not, either from its nature or from the circumstances under which it was committed, to justify such disciplinary action or the imposition of such penalties.

Idem

(2) Where a member of the College is guilty of infamous, disgraceful or improper conduct in a professional respect, he is subject to disciplinary action and liable to the penalties provided for in this Act, notwithstanding that he has been acquitted of a criminal charge in respect of the same case.

Inquiry

(3) The Board or the executive committee thereof of its own motion may, or, upon the application in writing of four members of the College, the president shall, instruct the discipline committee to inquire into any case in which it is alleged that a member of the College is liable to disciplinary action or the imposition of penalties for any of the causes mentioned in subsection 1. 1966, c. 38, s. 11, *part*.

23.—(1) The Board may by by-law provide for,

Complaints
committee

- (a) the establishment of a complaints committee, which shall have authority to consider complaints regarding the conduct or actions of a member of the College and to refer any such complaint, in whole or in part, to the discipline committee;
- (b) the composition and quorum of the complaints committee; and
- (c) the procedure to be followed by the complaints committee in the conduct of its business.

(2) Notwithstanding subsection 1 and any by-law passed thereunder, the Board or the executive committee thereof, or the president on the application in writing of four members of the College, shall continue to have the authority mentioned in subsection 3 of section 22 to direct that an inquiry be made by the discipline committee into any case of alleged infamous, disgraceful or improper conduct in a professional respect on the part of a member of the College. 1966, c. 38, s. 11, *part*.

Inquiry
powers in
s. 22, subs. 3,
not affected

24.—(1) The Board shall appoint and always maintain a discipline committee of its own body for the purpose of ascertaining the facts of each case that may become the subject of inquiry and exercising the disciplinary functions and imposing the penalties provided for by this Act. R.S.O. 1960, c. 91, s. 25 (1); 1966, c. 38, s. 12 (1).

Discipline
committee

(2) The committee shall consist of not more than five members as the Board prescribes, three of whom constitute a quorum.

Number

(3) The Board may by by-law provide that the secretary of the Board be a member of the committee.

Secretary
may be
member

(4) The Board may pass by-laws for determining the tenure of office of the members of the committee and for the regulation and conduct of its proceedings.

By-laws as
to tenure
of office
proceedings

(5) Subject to this section and to the by-laws of the Board, the committee may regulate the time and place for the holding, the manner of the convening and giving notice, and the conduct of its meetings.

Time, place
and notice
of meetings

(6) If a vacancy occurs in the membership of the committee, the remaining members may appoint a member of the Board to fill the vacancy, and the member appointed shall hold office until the next meeting of the Board.

Appoint-
ments to
fill vacancies

(7) Notwithstanding any vacancy in the committee, so long as there are at least three members thereof, it is competent to exercise all or any of its powers.

Quorum of
committee

(8) The committee may employ, at the expense of the Board, for the purposes of an inquiry, such legal or other assistance as the committee considers necessary.

Employ-
ment of
assistance

Appearance
by counsel

(9) The member whose conduct is the subject of inquiry has the right to be represented by counsel. R.S.O. 1960, c. 91, s. 25 (2-9).

Place of
meeting

(10) All meetings of the committee for taking evidence or otherwise ascertaining the facts shall be held at the city of Toronto. R.S.O. 1960, c. 91, s. 25 (10); 1966, c. 38, s. 12 (2).

Notice of
meeting

(11) At least ten days notice of the meeting of the committee for taking the evidence or otherwise ascertaining the facts shall be given to the member whose conduct is the subject of inquiry.

Contents
of notice

(12) The notice shall contain a statement of the matter that is to form the subject of inquiry.

Evidence
on oath

(13) The testimony of the witnesses shall be taken under oath, which the chairman or any member of the committee may administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and in reply.

Effect of
non-
appearance

(14) If the person whose conduct is the subject of inquiry though duly notified does not attend, the committee may proceed in his absence, and he is not entitled to notice of the future meetings or proceedings of the committee.

Subpoenas

(15) The committee and any party to the proceedings may obtain on *praecipe* from the Supreme Court a subpoena for the attendance of witnesses and the production of books, documents and things, and disobedience thereof shall be deemed a contempt of court.

Witness
fees

(16) Witnesses are entitled to the like allowances as witnesses attending upon the trial of an action in the Supreme Court. R.S.O. 1960, c. 91, s. 25 (11-16).

Duties
of the
discipline
committee

(17) The committee shall,

- (a) inquire into the conduct of any member of the College when so directed by the Board or the executive committee thereof or by the president;
- (b) hold hearings into charges made against members of the College in accordance with the practice and procedure prescribed by this section and the by-laws;
- (c) inquire into and report to the Board upon an application by a former member of the College to have his certificate of licence restored; and
- (d) perform such other duties as are assigned to it by the Board.

Powers of
discipline
committee

(18) Where after a hearing the committee finds that a member of the College is guilty of infamous, disgraceful or improper conduct in a professional respect, it may by order do any or all of the following things:

1. Suspend the certificate of licence of such member for a period of not more than twelve months.
2. Impose upon such member a fine of not more than \$1,000.
3. Direct that such member be reprimanded and, if considered warranted, that the fact of such reprimand be recorded on the record of such member.
4. Direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as it may designate and that, upon compliance with the terms, any penalty imposed be remitted.
5. Direct that such member pay to the College the costs of and incidental to the inquiry, which may include fees and disbursements for work done or proceedings taken before the inquiry was held and the cost of reporting and transcribing evidence.

(19) The costs, including the costs of appeal, if any, shall be taxed on the Supreme Court scale by the taxing officer of the Supreme Court at Toronto and shall, as far as practicable, be the same as in an action in the Supreme Court, and, upon the certificate of the taxing officer, execution may issue out of the Supreme Court for the collection of such costs by the College as upon a judgment in an action in such Court.

Taxation
and
collection
of costs

(20) Where the complaint is found to be frivolous or vexatious, the committee may direct that such costs as it considers just be paid to the member of the College whose conduct is the subject of inquiry.

Costs in
frivolous or
vexatious
complaints

(21) Where the committee is of the opinion that the certificate of licence of a member of the College should be cancelled or suspended for a period of more than twelve months, it shall make a report of the facts and its findings and recommendations thereon to the Board and may therewith transmit a transcript of the evidence taken at the inquiry, but the committee may suspend the certificate of licence of such member pending the decision of the Board. 1966, c. 38, s. 12 (3).

Suspension
of the
certificate of
licence for
a period
exceeding
twelve
months

25.—(1) The powers and duties of the Board in disciplinary matters are,

Powers and
duties of
the Board in
disciplinary
matters

- (a) to receive and record reports of the discipline committee in respect of cases that have been completely dealt with by the committee and from which no appeal has been taken;
- (b) to receive and consider reports of the discipline committee,

- (i) in cases in which the committee is of the opinion that the penalty imposed should include cancellation or suspension for more than twelve months of the certificate of licence of the member of the College,
- (ii) in cases of appeal from the decision of the committee, or
- (iii) in applications for the restoration of the certificate of licence of a member of the College,

and to make such findings and orders in respect thereof and impose such penalties as the Board considers proper.

Idem (2) The Board may act upon the report of the discipline committee or may require that it be furnished with a transcript of the evidence taken and may refer the matter back to the committee to take additional evidence.

Idem (3) The Board may impose upon a member of the College any penalty that the discipline committee is authorized to impose or may direct that the certificate of licence of such member be cancelled or suspended for such period as the Board considers proper.

Idem (4) The Board may direct the restoration of the certificate of licence of a member of the College and that such restoration be subject to the payment by the member of such fee, not exceeding the initial registration fee, as the Board specifies.

Power of
the Board to
require re-
examination (5) The Board may require any member of the College who in the opinion of the Board is performing substandard dental services in general or in some specific branch of dentistry in particular to present himself for such course or courses of prescribed instruction and at the end of such course or courses to present himself for such re-examination or re-examinations that in the opinion of the Board is or are required to demonstrate his competence, and may suspend the certificate of licence of such member pending satisfactory demonstration of his competence on such examination or examinations. 1966, c. 38, s. 13.

No action
lies against
Board or
committee

26. No action shall be brought against the Board or the committee or a member thereof for anything done in good faith under this Act on account of any want of form or irregularity in their proceedings. R.S.O. 1960, c. 91, s. 26.

Appeal

27.—(1) Any member of the College aggrieved by any decision or order of the discipline committee may appeal to the Board within thirty days from the date of such decision or order and may further appeal to the Court of Appeal at any time within thirty

days from the date of any decision or order of the Board by which he is aggrieved, and the Board or the Court of Appeal, as the case may be, may upon the hearing of such appeal make such order in the matter and as to the costs of the hearing of the appeal as the Board or the Court of Appeal considers proper.

(2) The practice and procedure upon and in relation to an appeal to the Court of Appeal shall be similar to that provided by *The County Courts Act*, except that the proceedings and evidence shall be certified by the secretary of the College to the Court of Appeal. 1966, c. 38, s. 14.

Practice and
procedure
on appeal
R.S.O. 1970,
c. 94

28. A duly registered member of the College is not liable to an action for negligence or malpractice by reason of professional services requested or rendered unless the action is commenced within six months from the date when the matter complained of terminated. R.S.O. 1960, c. 91, s. 29.

Action for
malpractice,
etc.

29. Nothing in this Act affects or interferes with the rights and privileges conferred upon legally qualified medical practitioners by *The Medical Act*. R.S.O. 1960, c. 91, s. 30.

Saving as to
qualified
medical
practitioners
R.S.O. 1970,
c. 268

SCHEDULE

ELECTORAL DISTRICTS

Electoral District No. 1 shall consist of the counties of Addington, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox, Prescott, Russell, Renfrew, and Stormont and The Regional Municipality of Ottawa-Carleton.

Electoral District No. 2 shall consist of the counties of Durham, Haliburton, Hastings, Northumberland, Ontario, Prince Edward, Peterborough, and Victoria, and The District Municipality of Muskoka.

Electoral District No. 3 shall consist of the districts of Algoma, Kenora, Manitoulin, Nipissing, Patricia, Parry Sound, Rainy River, Sudbury, Thunder Bay, Cochrane, and Timiskaming.

Electoral District No. 4 shall consist of The Municipality of Metropolitan Toronto and The Regional Municipality of York.

Electoral District No. 5 shall consist of the counties of Bruce, Dufferin, Grey, Huron, Perth, and Simcoe.

Electoral District No. 6 shall consist of the counties of Elgin, Essex, Kent, Lambton, and Middlesex.

Electoral District No. 7 shall consist of the counties of Brant, Haldimand, Norfolk, Oxford, Waterloo, and Wellington.

Electoral District No. 8 shall consist of the counties of Halton, Peel, and Wentworth and The Regional Municipality of Niagara.

R.S.O. 1960, c. 91, Sched.; 1966, c. 38, s. 16, *amended*.

